

Introduced by Senator Dutton

February 23, 2006

An act to amend Section 76300 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 1497, as introduced, Dutton. Community colleges: waiver of enrollment fees of students with family member serving in war zone.

(1) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction, for prescribed fees, including an enrollment fee of \$26 per unit per semester, at community college campuses throughout the state. Existing law authorizes the waiver of these fees for, among others, students who, at the time of enrollment, are dependents or surviving spouses who have not remarried of any member of the California National Guard who, in the line of duty and while in the active service of the state, as defined, was killed, died of a disability that occurred while in the active service of the state, or is permanently disabled as a result of an event that occurred while in the active service of the state.

This bill would require that the requirement of an enrollment fee be waived for any student who, at the time of enrollment, is a spouse or child, natural or adopted, of a member of the United States Armed Forces who is serving in a combat zone, as defined. To the extent that this bill would require community colleges to adjust their procedures for calculating enrollment fees, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that the Legislature finds there is no mandate contained in the bill that will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 76300 of the Education Code is
2 amended to read:

3 76300. (a) The governing board of each community college
4 district shall charge each student a fee pursuant to this section.

5 (b) (1) The fee prescribed by this section shall be twenty-six
6 dollars (\$26) per unit per semester, effective with the fall term of
7 the 2004–05 academic year.

8 (2) The board of governors shall proportionately adjust the
9 amount of the fee for term lengths based upon a quarter system,
10 and also shall proportionately adjust the amount of the fee for
11 summer sessions, intersessions, and other short-term courses. In
12 making these adjustments, the board of governors may round the
13 per unit fee and the per term or per session fee to the nearest
14 dollar.

15 (c) For the purposes of computing apportionments to
16 community college districts pursuant to Section 84750, the board
17 of governors shall subtract, from the total revenue owed to each
18 district, 98 percent of the revenues received by districts from
19 charging a fee pursuant to this section.

20 (d) The board of governors shall reduce apportionments by up
21 to 10 percent to any district that does not collect the fees
22 prescribed by this section.

23 (e) The fee requirement does not apply to any of the
24 following:

25 (1) Students enrolled in the noncredit courses designated by
26 Section 84757.

(2) California State University or University of California students enrolled in remedial classes provided by a community college district on a campus of the University of California or a campus of the California State University, for whom the district claims an attendance apportionment pursuant to an agreement between the district and the California State University or the University of California.

(3) Students enrolled in credit contract education courses pursuant to Section 78021, if the entire cost of the course, including administrative costs, is paid by the public or private agency, corporation, or association with which the district is contracting and if these students are not included in the calculation of the full-time equivalent students (FTES) of that district.

(f) The governing board of a community college district may exempt special part-time students admitted pursuant to Section 76001 from the fee requirement.

(g) (1) The fee requirements of this section shall be waived for any student who, at the time of enrollment, is a recipient of benefits under the Temporary Assistance to Needy Families program, the Supplemental Security Income/State Supplementary Program, or a general assistance program or has demonstrated financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid.

(2) The governing board of a community college district also shall waive the fee requirements of this section for any student who demonstrates eligibility according to income standards established by regulations of the board of governors.

(3) Paragraphs (1) and (2) may be applied to a student enrolled in the 2005–06 academic year if the student is exempted from nonresident tuition under paragraph (3) of subdivision (a) of Section 76140.

(h) (1) The fee requirements of this section shall be waived for any student who, at the time of enrollment, is a dependent, or surviving spouse who has not remarried, of any member of the California National Guard who, in the line of duty and while in the active service of the state, was killed, died of a disability resulting from an event that occurred while in the active service of the state, or is permanently disabled as a result of an event that

1 occurred while in the active service of the state. “Active service
2 of the state,” for the purposes of this subdivision, refers to a
3 member of the California National Guard activated pursuant to
4 Section 146 of the Military and Veterans Code.

5 (2) *The fee requirements of this section shall be waived for*
6 *any student who, at the time of enrollment, is a spouse or child,*
7 *natural or adopted, of a member of the United States Armed*
8 *Forces who is serving in a combat zone within the meaning of*
9 *paragraphs (2) and (3) of subsection (b) of Section 112 of Title*
10 *26 of the United States Code, as those paragraphs read on*
11 *January 1, 2007.*

12 (i) The fee requirements of this section shall be waived for any
13 student who is the surviving spouse or the child, natural or
14 adopted, of a deceased person who met all of the requirements of
15 Section 68120.

16 (j) The fee requirements of this section shall be waived for any
17 student in an undergraduate program, including a student who
18 has previously graduated from another undergraduate or graduate
19 program, who is the dependent of any individual killed in the
20 September 11, 2001, terrorist attacks on the World Trade Center
21 and the Pentagon or the crash of United Airlines Flight 93 in
22 southwestern Pennsylvania, if that dependent meets the financial
23 need requirements set forth in Section 69432.7 for the Cal Grant
24 A Program and either of the following applies:

25 (1) The dependent was a resident of California on September
26 11, 2001.

27 (2) The individual killed in the attacks was a resident of
28 California on September 11, 2001.

29 (k) A determination of whether a person is a resident of
30 California on September 11, 2001, for purposes of subdivision (j)
31 shall be based on the criteria set forth in Chapter 1 (commencing
32 with Section 68000) of Part 41 for determining nonresident and
33 resident tuition.

34 (l) (1) “Dependent,” for purposes of subdivision (j), is a
35 person who, because of his or her relationship to an individual
36 killed as a result of injuries sustained during the terrorist attacks
37 of September 11, 2001, qualifies for compensation under the
38 federal September 11th Victim Compensation Fund of 2001
39 (Title IV (commencing with Section 401) of Public Law 107-42).

1 (2) A dependent who is the surviving spouse of an individual
2 killed in the terrorist attacks of September 11, 2001, is entitled to
3 the waivers provided in this section until January 1, 2013.

4 (3) A dependent who is the surviving child, natural or adopted,
5 of an individual killed in the terrorist attacks of September 11,
6 2001, is entitled to the waivers under subdivision (j) until that
7 person attains the age of 30 years.

8 (4) A dependent of an individual killed in the terrorist attacks
9 of September 11, 2001, who is determined to be eligible by the
10 California Victim Compensation and Government Claims Board,
11 is also entitled to the waivers provided in this section until
12 January 1, 2013.

13 (m) (1) It is the intent of the Legislature that sufficient funds
14 be provided to support the provision of a fee waiver for every
15 student who demonstrates eligibility pursuant to subdivisions (g)
16 to (j), inclusive.

17 (2) From funds provided in the annual Budget Act, the board
18 of governors shall allocate to community college districts,
19 pursuant to this subdivision, an amount equal to 2 percent of the
20 fees waived pursuant to subdivisions (g) to (j), inclusive. From
21 funds provided in the annual Budget Act, the board of governors
22 shall allocate to community college districts, pursuant to this
23 subdivision, an amount equal to ninety-one cents (\$0.91) per
24 credit unit waived pursuant to subdivisions (g) to (j), inclusive,
25 for determination of financial need and delivery of student
26 financial aid services, on the basis of the number of students for
27 whom fees are waived. Funds allocated to a community college
28 district for determination of financial need and delivery of
29 student financial aid services shall supplement, and shall not
30 supplant, the level of funds allocated for the administration of
31 student financial aid programs during the 1992–93 fiscal year.

32 (n) The board of governors shall adopt regulations
33 implementing this section.

34 SEC. 2. The Legislature finds that there is no mandate
35 contained in this act that will result in costs incurred by a local
36 agency or school district for a new program or higher level of
37 service which require reimbursement pursuant to Section 6 of
38 Article XIII B of the California Constitution and Part 7

- 1 (commencing with Section 17500) of Division 4 of Title 2 of the
- 2 Government Code.

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